

Exhibit A

Exhibit B
Nonrural ILEC Wire Centers
For Immediate Designation

Page 1 of 4

<u>COMPANY NAME</u>	<u>DOMSWITCH</u>	<u>LOCALITY</u>	<u>STATE</u>	<u>PARTIAL</u>
VERIZON NEW ENGLAND INC.	ALSTNHLIRS1	ALSTEAD	NH	
VERIZON NEW ENGLAND INC.	ASLDNHHIRS1	ASHLAND	NH	
VERIZON NEW ENGLAND INC.	ATSNNHMARS1	ATKINSON	NH	
VERIZON NEW ENGLAND INC.	BARNVTCHRS2	BARNET	VT	
VERIZON NEW ENGLAND INC.	BDFRNHAMRS1	BEDFORD	NH	
VERIZON NEW ENGLAND INC.	BHLNHNCRRS1	BETHLEHEM	NH	
VERIZON NEW ENGLAND INC.	BLFLVTHERS2	BELLOWS FLS	VT	
VERIZON NEW ENGLAND INC.	BLMTNHMARS1	BELMONT	NH	
VERIZON NEW ENGLAND INC.	BNTONHPRRS1	BARRINGTON	NH	Y
VERIZON NEW ENGLAND INC.	BRBOVTMADS0	BRATTLEBORO	VT	
VERIZON NEW ENGLAND INC.	BRFRVTPG272	BRADFORD	VT	Y
VERIZON NEW ENGLAND INC.	BRLNNHHERS1	BERLIN	NH	
VERIZON NEW ENGLAND INC.	BRSTNHSPRS1	BRISTOL	NH	
VERIZON NEW ENGLAND INC.	BRTLNHGERS1	BARTLETT	NH	
VERIZON NEW ENGLAND INC.	CANDNHDRS1	CANDIA	NH	
VERIZON NEW ENGLAND INC.	CANNNHYARS1	CANAAN	NH	
VERIZON NEW ENGLAND INC.	CHTWNHBRRS1	CHARLESTOWN	NH	
VERIZON NEW ENGLAND INC.	CLBKNHMARS1	COLEBROOK	NH	Y
VERIZON NEW ENGLAND INC.	CLMTNHBRRS1	CLAREMONT	NH	
VERIZON NEW ENGLAND INC.	CMTNNHOWRS1	CAMPTON	NH	
VERIZON NEW ENGLAND INC.	CNCRNHSODS1	CONCORD	NH	
VERIZON NEW ENGLAND INC.	CNHRNHPLRS1	CENTER HARBOR	NH	
VERIZON NEW ENGLAND INC.	CNOSNHFORs1	CENTER OSSIPEE	NH	
VERIZON NEW ENGLAND INC.	CNSWNHSLRS1	CTR SANDWICH	NH	
VERIZON NEW ENGLAND INC.	CNTRNHSHRS1	CANTERBURY	NH	
VERIZON NEW ENGLAND INC.	CNWYNHYARS1	N CONWAY	NH	
VERIZON NEW ENGLAND INC.	DBLNNHMORS1	DUBLIN	NH	
VERIZON NEW ENGLAND INC.	DNBRNHDBRS1	DANBURY	NH	
VERIZON NEW ENGLAND INC.	DRFDNHCCRS1	DEERFIELD	NH	
VERIZON NEW ENGLAND INC.	DRRYNHEBDS1	DERRY	NH	
VERIZON NEW ENGLAND INC.	ENFDNHNMRS1	ENFIELD	NH	
VERIZON NEW ENGLAND INC.	EPNGNHMARS1	EPPING	NH	Y
VERIZON NEW ENGLAND INC.	EPSMNHBHRS1	EPSOM	NH	
VERIZON NEW ENGLAND INC.	ERRLNHYARS1	ERROL	NH	Y
VERIZON NEW ENGLAND INC.	FARLVTML353	FAIRLEE	VT	Y

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VERIZON NEW ENGLAND INC.	FKLNNHFRRS1	FRANKLIN	NH
VERIZON NEW ENGLAND INC.	FRNCNHWHR1	FRANCONIA	NH
VERIZON NEW ENGLAND INC.	FRTNNHMGRS1	FARMINGTON	NH
VERIZON NEW ENGLAND INC.	FTZWNHUTRS1	FITZWILLIAM	NH
VERIZON NEW ENGLAND INC.	GFTWNHWHR1	GOFFSTOWN	NH
VERIZON NEW ENGLAND INC.	GLDLNHABRS1	GLENDALE	NH
VERIZON NEW ENGLAND INC.	GNFDNHMARS1	GREENFIELD	NH
VERIZON NEW ENGLAND INC.	GNVLNHADRS1	GREENVILLE	NH
VERIZON NEW ENGLAND INC.	GRHMNHLARS1	GORHAM	NH
VERIZON NEW ENGLAND INC.	GVTNNHSTRS1	GROVETON	NH
VERIZON NEW ENGLAND INC.	HMPSNHMARS1	HAMPSTEAD	NH
VERIZON NEW ENGLAND INC.	HNCCNHSCRS1	HANCOCK	NH
VERIZON NEW ENGLAND INC.	HNDLNHMARS1	HINSDALE	NH
VERIZON NEW ENGLAND INC.	HNVRNHSCDS0	HANOVER	NH
VERIZON NEW ENGLAND INC.	HRVLNHMARS1	HARRISVILLE	NH
VERIZON NEW ENGLAND INC.	JCSNNHTHRS1	JACKSON	NH
VERIZON NEW ENGLAND INC.	JFRYNHRIRS1	JAFFREY	NH
VERIZON NEW ENGLAND INC.	JFSNNHYARS1	JEFFERSON	NH
VERIZON NEW ENGLAND INC.	KEENNNHWADS0	KEENE	NH
VERIZON NEW ENGLAND INC.	LACNNHNMDS0	LACONIA	NH
VERIZON NEW ENGLAND INC.	LBNNNHBARS1	LEBANON	NH
VERIZON NEW ENGLAND INC.	LNCSNHHIRS1	LANCASTER	NH
VERIZON NEW ENGLAND INC.	LSBNNHMARS1	LISBON	NH
VERIZON NEW ENGLAND INC.	LTTNNHPLDS0	LITTLETON	NH
VERIZON NEW ENGLAND INC.	LYMENHYARS1	LYME	NH
VERIZON NEW ENGLAND INC.	MDSNNHYARS1	MADISON	NH
VERIZON NEW ENGLAND INC.	MILNNHPLRS1	MILAN	NH
VERIZON NEW ENGLAND INC.	MLBONHYARS1	MOULTONBORO	NH
VERIZON NEW ENGLAND INC.	MLFRNHSODS0	MILFORD	NH
VERIZON NEW ENGLAND INC.	MLTNNHSIRS1	MILTON	NH
VERIZON NEW ENGLAND INC.	MNCHNHCODS2	MANCHESTER	NH
VERIZON NEW ENGLAND INC.	MRBONHYARS1	MARLBORO	NH
VERIZON NEW ENGLAND INC.	MRDTNHWARS1	MEREDITH	NH
VERIZON NEW ENGLAND INC.	MRLWNHYARS1	MARLOW	NH
VERIZON NEW ENGLAND INC.	MRMCNHYADS1	MERRIMACK	NH
VERIZON NEW ENGLAND INC.	MTMLNHWERS1	MILTON MILLS	NH
VERIZON NEW ENGLAND INC.	NASHNHGRRS1	NASHUA	NH

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VERIZON NEW ENGLAND INC.	NASHNHWPDS1	NASHUA	NH
VERIZON NEW ENGLAND INC.	NBTNNHHPRS1	NEW BOSTON	NH
VERIZON NEW ENGLAND INC.	NCWYNHKERS1	NORTH CONWAY	NH
VERIZON NEW ENGLAND INC.	NHHLNHDMS1	NEWBURY	VT
VERIZON NEW ENGLAND INC.	NSFRNHMARS1	NORTH STRATFORD	NH
VERIZON NEW ENGLAND INC.	NWDSNHMARS1	N WOODSTOCK	NH
VERIZON NEW ENGLAND INC.	NWODNHYARS1	NORTHWOOD	NH
VERIZON NEW ENGLAND INC.	NWPTNHMADS0	NEWPORT	NH
VERIZON NEW ENGLAND INC.	PIKENHPIRS1	PIKE	NH
VERIZON NEW ENGLAND INC.	PLHMNHBRDS0	PELHAM	NH
VERIZON NEW ENGLAND INC.	PLMONHLHRS1	PLYMOUTH	NH
VERIZON NEW ENGLAND INC.	PLSTNHMADS0	PLAISTOW	NH
VERIZON NEW ENGLAND INC.	PNCKNHCHRS1	CONCORD	NH
VERIZON NEW ENGLAND INC.	PTFDNHBRRS1	PITTSFIELD	NH
VERIZON NEW ENGLAND INC.	PTRBNHCORS1	PETERBOROUGH	NH
VERIZON NEW ENGLAND INC.	RMNYNHSLRS1	RUMNEY	NH
VERIZON NEW ENGLAND INC.	RNDGNHCERS1	RINDGE	NH
VERIZON NEW ENGLAND INC.	ROCHNHWEDS0	ROCHESTER	NH
VERIZON NEW ENGLAND INC.	RYMNNHFLDS0	RAYMOND	NH
VERIZON NEW ENGLAND INC.	SALMNHNBDS1	SALEM	NH
VERIZON NEW ENGLAND INC.	SBVLNHCSRS1	SANBORNVILLE	NH
VERIZON NEW ENGLAND INC.	SLLVNHYARS1	SULLIVAN	NH
VERIZON NEW ENGLAND INC.	SNCKNHPARS1	SUNCOOK	NH
VERIZON NEW ENGLAND INC.	SPFRNHMSRS1	SPOFFORD	NH
VERIZON NEW ENGLAND INC.	SUNPNHMCRS1	SUNAPEE	NH
VERIZON NEW ENGLAND INC.	TLTNNHPPRS1	TILTON	NH
VERIZON NEW ENGLAND INC.	TMWONHWHRS1	TAMWORTH	NH
VERIZON NEW ENGLAND INC.	TROYNHPPRS1	TROY	NH
VERIZON NEW ENGLAND INC.	TWMTNHYARS1	TWIN MOUNTAIN	NH
VERIZON NEW ENGLAND INC.	WDVLNHJLRS1	WOODSVILLE	NH
VERIZON NEW ENGLAND INC.	WERSNHSTRS1	WEIRS	NH
VERIZON NEW ENGLAND INC.	WHFDNHPLRS1	WHITEFIELD	NH
VERIZON NEW ENGLAND INC.	WLBONHGSRs1	WOLFEBORO	NH
VERIZON NEW ENGLAND INC.	WLPLNHWPRS1	WALPOLE	NH
VERIZON NEW ENGLAND INC.	WMLDNHWERS1	WESTMORELAND	NH
VERIZON NEW ENGLAND INC.	WNCHNHMIRS1	WINCHESTER	NH
VERIZON NEW ENGLAND INC.	WNDSVTPI675	WINDSOR	VT

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VERIZON NEW ENGLAND INC.	WRJTVTGADS2	WHITE RIV JCT	VT
VERIZON NEW ENGLAND INC.	WRRNNHMARS1	WARREN	NH
VERIZON NEW ENGLAND INC.	WVVYNHMRRS1	WATERVILLE VALLEY	NH
WILTON TELEPHONE CO.	WLTONHXADS0	WILTON	NH

Exhibit C
Rural ILEC Wire Centers
For Immediate Designation

<u>COMPANY NAME</u>	<u>DOMSWITCH</u>	<u>LOCALITY</u>	<u>STATE</u>
BRETTON WOODS TELEPHONE CO.	BTWDNHXADS0	BRETTON WOODS	NH
DUNBARTON TELEPHONE CO.	DNTNNHXADS0	DUNBARTON	NH
HOLLIS TELEPHONE COMPANY INC.	HLLSNHXADS0	HOLLIS	NH
KEARSARGE TELEPHONE CO.	ANDVNHXARS1	ANDOVER	NH
KEARSARGE TELEPHONE CO.	BSCWNHXARS1	CONCORD	NH
KEARSARGE TELEPHONE CO.	CHCHNHXADS1	CHICHESTER	NH
KEARSARGE TELEPHONE CO.	MRDNNHXADS1	MERIDEN	NH
KEARSARGE TELEPHONE CO.	NWLNNHXADS0	NEW LONDON	NH
KEARSARGE TELEPHONE CO.	SLBRNHXARS1	SALISBURY	NH
MERRIMACK CO. TELEPHONE CO. DBA CONTOOCCOOK VALLEY	ANTRNHXARS3	ANTRIM	NH
MERRIMACK CO. TELEPHONE CO. DBA CONTOOCCOOK VALLEY	HLBONHXADS0	HILLSBORO	NH
MERRIMACK CO. TELEPHONE CO. DBA CONTOOCCOOK VALLEY	HNKRNHXARS2	HENNIKER	NH
MERRIMACK CO. TELEPHONE CO. DBA CONTOOCCOOK VALLEY	MLVGNHXADS0	MOULTONBOROUGH	NH
MERRIMACK COUNTY TELEPHONE CO.	BRFRNHXARS2	BRADFORD	NH
MERRIMACK COUNTY TELEPHONE CO.	CNTCNHXADS1	CONTOOCCOOK	NH
MERRIMACK COUNTY TELEPHONE CO.	STTNNHXARS2	NEWBURY	NH
MERRIMACK COUNTY TELEPHONE CO.	WRNRNHXARS2	WARNER	NH
NORTHLAND TELEPHONE OF MAINE INC.	FRBGMEXARS2	FRYEBURG	ME
NORTHLAND TELEPHONE OF MAINE INC.	NFBGMEXARS2	N FRYEBURG	ME
UNION TELEPHONE CO. - NH	ALTNNHXADS0	ALTON	NH
UNION TELEPHONE CO. - NH	BRNSNHXADS0	BARNSTEAD	NH
UNION TELEPHONE CO. - NH	CNBNNHXADS0	CENTER BARNSTEAD	NH
UNION TELEPHONE CO. - NH	GLTNNHXADS0	CTR SANDWICH	NH
UNION TELEPHONE CO. - NH	NWDRNHXADS0	NEW DURHAM	NH
WILTON TELEPHONE CO.	WLTONHXADS0	WILTON	NH

Exhibit D
Rural ILEC Wire Centers Requiring
Reclassification Along Wire Center Boundaries

COMPANY NAME	DOMSWITCH	LOCALITY	COVERED
GRANITE STATE TELEPHONE INC.	HUVGNHXADS0	HILLSBORO UPPER VILLAGE	Y
GRANITE STATE TELEPHONE INC.	WASHNHXADS0	WASHINGTON	Y
GRANITE STATE TELEPHONE INC.	WEARNHXADS0	WEARE	Y
GRANITE STATE TELEPHONE INC.	CHESNHXADS0	CHESTER	N

Exhibit E

DECLARATION

DECLARATION UNDER PENALTY OF PERJURY

I, Bradley L. Stein, do hereby declare under penalty of perjury as follows:

1. I am the Director, External Affairs of Manchester-Nashua Cellular Telephone, L.P., NH #1 Rural Cellular Telephone, L.P. and USCOC of New Hampshire RSA #2, Inc. (collectively, "U.S. Cellular").

2. This Affidavit is submitted in support of U.S. Cellular's Petition for Designation as an Eligible Telecommunications Carrier ("ETC").

3. U.S. Cellular currently provides cellular service in the New Hampshire 1 Rural Service Area ("RSA") – Coos, New Hampshire 2 RSA – Carroll and the Manchester – Nashua New Hampshire Metropolitan Statistical Area ("MSA").

4. As a carrier not subject to state commission jurisdiction in the State of New Hampshire U.S. Cellular is seeking designation as an ETC under Section 214(e)(6) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(6).

5. U.S. Cellular meets the criteria for ETC designation as explained herein.

6. U.S. Cellular is a "common carrier" for purposes of obtaining ETC designation pursuant to 47 U.S.C. § 214(e)(1). A "common carrier" is generally defined in 47 U.S.C. § 153(10) as a person engaged as a common carrier on a for-hire basis in interstate communications by wire or radio. Section 20.9(a)7 of the Commission's Rules provide that cellular service is a common carrier service. *See* 47 C.F.R. § 20.9(a)(7).

7. U.S. Cellular currently offers and is able to provide, within its designated service areas, the services and functionalities identified in 47 C.F.R. § 54.101(a). Each of these services and functionalities is discussed more fully below.

a. Voice-grade access to the public switched telephone network. The FCC

concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700 Hz within the 300 to 3000 Hz frequency range. *See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, First Report and Order*, 12 FCC Rcd 8776, 8810-11 (1997) (“*Universal Service Order*”). U.S. Cellular meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with local telephone companies, all customers of U.S. Cellular are able to make and receive calls on the public switched telephone network within the specified bandwidth.

b. Local Usage. Beyond providing access to the public switched network, an ETC must include local usage as part of a universal service offering. U.S. Cellular will meet the local usage requirements by offering a variety of rate plans with varying levels of local usage to meet consumers' needs.

To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue. *See Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998) (“*October 1998 NPRM*”). As it relates to local usage, the NPRM sought comments on a definition of the public service package that must be offered by all ETCs. Specifically, the FCC sought comments on how much, *if any*, local usage should be required to be provided to customers as part of a universal service offering. *October 1998 NPRM*, 13 FCC Rcd at 21277-21281. In the *Universal Service Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide. *Universal Service Order*, 12 FCC Rcd at 8813. Any minimum local usage requirement established by the FCC as a result of the *October 1998 NPRM* will be applicable to all designated ETCs, not simply wireless service providers. U.S. Cellular will comply with any and all minimum local usage requirements adopted by the FCC.

c. Dual-tone, multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement. 47 C.F.R. § 54.101(a)(3). U.S. Cellular currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling. U.S. Cellular therefore meets the requirement to provide DTMF signaling or its functional equivalent.

d. Single-party service or its functional equivalent. “Single-party service” means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line. *Universal Service Order*, 12 FCC Rcd at 8810. The FCC concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission. *Id.* U.S. Cellular meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

e. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Enhanced 911 or

E911, which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such information. *See id.* at 8815-17. U.S. Cellular currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement. U.S. Cellular will comply with all Phase II E-911 requirements.

f. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. *Id.* at 8817-18. U.S. Cellular meets this requirement by providing all of its customers with access to operator services provided by either the Company or other entities (*e.g.*, LECs, IXC, etc.)

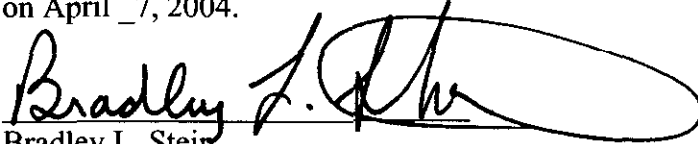
g. Access to interexchange service. A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Equal access, however, is not required. "The FCC do[es] not include equal access to interexchange service among the services supported by universal service mechanisms." *Id.* at 8819. U.S. Cellular presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several IXCs. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

h. Access to directory assistance. The ability to place a call to directory assistance is a required service offering. *Id.* at 8821. U.S. Cellular meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or "555-1212".

i. Toll limitation for qualifying low-income consumers. An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9). *See Universal Service Fourth Order on Reconsideration*, FCC 97-420 (Dec. 30, 1997). In particular, all ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls. *Universal Service Order*, 12 FCC Rcd at 8821-22. U.S. Cellular currently has no Lifeline customers in New Hampshire because only carriers designated as an ETC can participate in Lifeline. *See* 47 C.F.R. §§ 54.400-415. Once designated as an ETC, U.S. Cellular will participate in Lifeline as required, and will provide its current toll blocking capabilities in satisfaction of the FCC's requirement. Today, the Company provides toll-blocking services for all international calls and toll blocking for selected customers. Accordingly, U.S. Cellular currently has the technology to provide toll blocking and will use this technology to provide the service to its Lifeline customers, at no charge, as part of its universal service offerings.

8. U.S. Cellular will provide the supported services using its existing network infrastructure, which includes the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers.

9. I declare under penalty of perjury that the foregoing is true and correct. Executed on April 7, 2004.



Bradley L. Stein

Director, External Affairs

Manchester-Nashua Cellular Telephone, L.P.

NH #1 Rural Cellular Telephone, L.P.

USCOC of New Hampshire RSA #2, Inc.

SUBSCRIBED AND SWORN
TO BEFORE ME THIS 7TH DAY
OF APRIL, 2004.

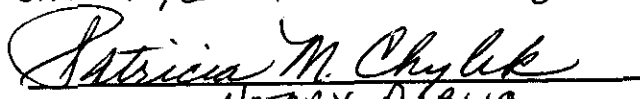

NOTARY PUBLIC



Exhibit F

HIGH-COST CERTIFICATION LETTER



April 7, 2004


Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

**Re: Manchester-Nashua Cellular Telephone, L.P.
NH #1 Rural Cellular Telephone, L.P.
USCOC of New Hampshire RSA #2, Inc.
High-Cost Certification**

To the Commission:

Manchester-Nashua Cellular Telephone, L.P., NH #1 Rural Cellular Telephone, L.P. and USCOC of New Hampshire RSA #2, Inc. (collectively, "U.S. Cellular", "Company") has submitted a Petition for ETC designation in the State of New Hampshire as required by Sections 54.313(b) and 54.314(b) of the Federal Communications Commission's rules, 47 C.F.R. §§ 54.313(b), 54.314(b), U.S. Cellular hereby submits the certification below in order to begin receiving high-cost support in its designated ETC area.

Accordingly, I hereby certify on behalf of the company and under penalty of perjury that all high-cost support provided to the Company will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 254(e). I also certify that I am authorized to make this certification on the company's behalf.


Bradley L. Stein

Director, External Affairs
Manchester-Nashua Cellular Telephone, L.P.
NH #1 Rural Cellular Telephone, L.P.
USCOC of New Hampshire RSA #2, Inc.

4/7/2004
Date

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me this seventh day of April, 2004.


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My Commission Expires: 8-27-07



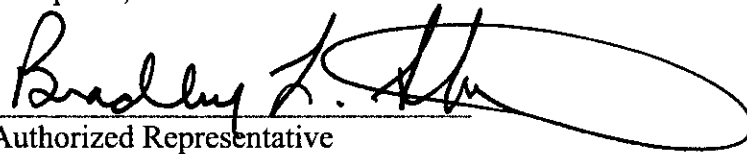
Exhibit G

ANTI-DRUG ABUSE ACT CERTIFICATION

DECLARATION UNDER PENALTY OF PERJURY

I, Bradley L. Stein, do hereby declare under penalty of perjury as follows:

1. I am the authorized representative of Manchester-Nashua Cellular Telephone, L.P., NH #1 Rural Cellular Telephone, L.P. and USCOC of New Hampshire RSA #2, Inc. (collectively, "U.S. Cellular").
2. To the best of my knowledge, the Petitioner referred to in the foregoing Petition, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non voting) of the applicant as specified in 1.2002(b) of the Commission's rules are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.
3. I declare under penalty of perjury that the foregoing is true and correct. Executed on April 7, 2004.


Authorized Representative
Manchester-Nashua Cellular Telephone, L.P.
NH #1 Rural Cellular Telephone, L.P.
USCOC of New Hampshire RSA #2, Inc.

SUBSCRIBED AND SWORN
TO BEFORE ME THIS 7TH DAY
OF APRIL, 2004.

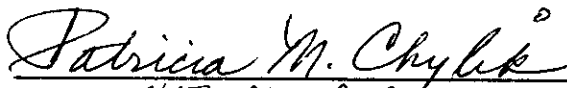

NOTARY PUBLIC



Exhibit H

DT 03-128

RCC MINNESOTA, INC.
RCC ATLANTIC, INC.

**Petition for Designation as an Eligible
Telecommunications Carrier**

Order Regarding Jurisdiction of the Commission

O R D E R N O. 24,245

December 5, 2003

Appearances: Gallagher, Callahan and Gartrell by Andrew B. Eills, Esq. for RCC Minnesota, Inc. and RCC Atlantic, Inc.; Primmer and Piper by Trevor R. Lewis, Esq. and Paul J. Phillips, Esq. for the New Hampshire Telephone Association; Preti Flaherty by Joseph G. Donahue, Esq. and Benjamin M. Sanborn, Esq. for the Union Telephone Company; Victor D. Del Vecchio, Esq. for Verizon New Hampshire; F. Anne Ross, Esq. for the Office of Consumer Advocate; and Suzanne Amidon, Esq. for Commission Staff.

I. PROCEDURAL BACKGROUND

On June 27, 2003, RCC Minnesota, Inc., and RCC Atlantic, Inc. (collectively RCC) filed with the New Hampshire Public Utilities Commission (Commission) a petition for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to Section 214(e)(2) of the Telecommunications Act as amended and 47 C.F.R. § 54.201 of the Federal Communications Commission's (FCC) rules. RCC Minnesota, Inc. is authorized by the FCC as a Personal Communications Service carrier in the Manchester-Nashua-Concord, New Hampshire Basic Trading Area and as the Cellular Radiotelephone Service provider in Portsmouth-Dover-Rochester, New Hampshire-Maine New England Cellular Market Area. RCC Atlantic, Inc. d/b/a Cellular One is authorized by the

The term "public utility" shall not include any individual, partnership, corporation, company, association, or joint stock association, including any trustee, administrator, executor, receiver, assignee, or other personal representative who provides purchases or sells cellular mobile radio communication services. Such services shall not be subject to the jurisdiction of the public utilities commission pursuant to this title.

The Order scheduled a hearing on the jurisdictional issue for August 28, 2003, instructed RCC to publish notice of the Order in a newspaper of statewide circulation, and set a deadline of August 25, 2003 for Petitions to Intervene. RCC filed an affidavit of publication with the Commission on August 14, 2003.

On July 30, 2003, the Office of Consumer Advocate (OCA) notified the Commission that it would participate in this matter on behalf of residential ratepayers consistent with RSA 363:28. On August 20, 2003, the New Hampshire Telephone Association (NHTA), on behalf of independent telephone companies Bretton Woods Telephone Company, Dixville Telephone Company, Dunbarton Telephone Company, Granite State Telephone, Kearsarge Telephone Company, Northland Telephone Co. of New Hampshire, Hollis Telephone Company, Merrimack County Telephone and Wilton Telephone Company (collectively ITCs) filed a Petition to Intervene and a Memorandum of Law. The ITCs also filed a Motion of Paul Phillips, Esq. for Admission Pro Hac Vice, to represent the ITCs in this matter.

On August 21, 2003, Verizon New Hampshire (Verizon) filed a motion to intervene and a Memorandum of Law, and OCA and RCC each filed Memoranda of Law. Also on August 21, 2003, Union Telephone Company (UTC) filed a Petition to Intervene and a Memorandum of Law. UTC also requested that the Commission authorize the appearance of Attorneys Joseph G. Donahue and Benjamin M. Sanborn on behalf of UTC.

The Commission, at a hearing on August 28, 2003, granted all Petitions to Intervene and Motion for Admission Pro Hac Vice filed on behalf of Mr. Phillips. The Commission also granted UTC's request to authorize Mr. Donahue and Mr. Sanborn to appear before the Commission.

II. POSITION OF THE PARTIES

A. RCC

RCC argues that the Commission has jurisdiction over RCC for the purpose of designating RCC as an ETC in the State of New Hampshire. RCC asserts that nothing in RSA 362:6 prohibits the Commission from determining the status of RCC as an eligible carrier pursuant to Section 214(e)(6) of the Telecommunications Act of 1996. 47 U.S.C. § 214(e)(6). RCC points out that Congress specifically gave state commissions the first opportunity to review and make ETC designation decisions, and that only in the event that a state commission declined to accept jurisdiction should the matter of designation be moved to the FCC for action.

RCC also argues that the FCC, in its First Report and Order in its Universal Service Docket, specifically stated that "not all carriers are subject to the jurisdiction of a state commission. Nothing in section 214(e)(1), however, requires that a carrier be subject to the jurisdiction of a state commission in order to be designated an eligible telecommunications carrier. Thus tribal telephone companies, cellular providers and other carriers not subject to the full panoply of state regulation may still be designated as eligible telecommunications carriers." First Report and Order, 12 FCC Rcd 8776,8859 (May 7, 1997). RCC concludes that the Commission is therefore not barred from designating a cellular provider as an ETC.

RCC points out that the New Hampshire legislature contemplated the eligibility of cellular providers for status as a carrier in a state universal fund program. See RSA 374:22-p,IV(c). RCC argues that the New Hampshire legislature's inclusion of cellular providers in the state USF program indicates that the legislature intended the Commission to have some authority over cellular providers. RCC points out that paragraph IV(a) of RSA 374:22-p requires every provider of "intrastate telephone services", including providers of "cellular mobile telecommunications services", to contribute to the state USF once it is established. Because the state USF law required implementation to be consistent with the federal law, and because

under federal law wireless providers qualify for ETC status, RCC argues that it would be implausible under the New Hampshire law that an intrastate telephone service provider would be required to contribute to a USF without being eligible to receive universal service support.

RCC argued that the Commission should find that it has jurisdiction to designate any cellular provider as an ETC for purposes of the federal USF program.

B. Independent Telephone Companies

The ITCs argue that the Commission has jurisdiction under state and federal law to hear the Petition. They state that the request for designation as an ETC in New Hampshire involves a legal determination distinct from the regulation of cellular providers addressed in RSA 362:6 and that the Commission, in determining whether to designate RCC as an ETC, would not be "regulating" a cellular company in any manner. Instead, the Commission would be making a determination of whether RCC is eligible to receive federal universal service support. The ITCs aver that rather than constituting regulation, designation of RCC as an ETC would be conferring a benefit, and in the case of rural telephone companies' service territories, action requiring discretion and evaluation of the public interest. 47 U.S.C. § 214(e)(2). The ITCs argue that the

Commission is the best qualified authorized body to deliberate the issues involving public interest.

In connection with RCC's request that the Commission redefine the service area of GST, the ITCs point to federal law which expressly seeks to have state commissions serve as the sole tribunal with the initial authority to respond to a petitioner's request to redefine a rural service area. 47 C.F.R. § 54.207(c)(1). The ITCs state that even where the redefinition of the rural service area is initiated by the FCC on its own motion, the FCC must first seek the agreement of the state commission for such redefinition. 47 C.F.R. § 54.207(d). Because RCC's petition to redefine GST's rural service areas must first be filed with the Commission, and because such a petition has meaning only when considered in conjunction with a request for ETC status, the ITCs argue that the Commission has ancillary jurisdiction over the petition for designation of ETC status. See ITCs Brief pp. 5-7.

C. Union Telephone Company

UTC also believes that the Commission has jurisdiction over RCC's petition. UTC argues that RSA 362:6 states that a cellular provider is not a "public utility", but that a carrier does not have to be a public utility to qualify for ETC designation pursuant to 47 U.S.C. § 214(e)(2).

UTC notes that the purpose of this proceeding is for the Commission to make the factual and policy determinations as

statement that it does not regulate cellular carriers, thereby allowing RCC to request such designation directly from the FCC.

Verizon states that the federal law which confers primary responsibility on states to designate ETCs that meet the eligibility requirements of the 1996 Act was amended in 1997 to take into account situations where the petitioning carrier was not subject to the jurisdiction of a state commission. The law provides that in such a situation, petitions should request the FCC rather than the state commission to designate a carrier as an ETC consistent with the applicable law. 47 U.S.C. § 214(e)(6).

Verizon argues that RSA 362:6 specifically excludes from the definition of a public utility any entity that "provides, purchases or sells cellular mobile radio communication services. Such services shall not be subject to the jurisdiction of the public utilities commission pursuant to this title." RSA 362:6. Verizon states that the Commission has only that authority delegated to it by the legislature and, in this case, authority to regulate cellular providers has been specifically withheld.

Verizon argues that the legislature affirmed its decision to withhold Commission jurisdiction of cellular in 2001, when it created standards for affordable telephone service. See RSA 374:22-p. The statute provides that "subject to RSA 362:6, the commission shall require every provider of intrastate

telephone service to participate in outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service program approved by the commission and statutorily established by the legislature." RSA 374:22-p II. Verizon states that the exclusion of CMRS providers from outreach requirements underscores the Commission's lack of authority over CMRS providers. Verizon argues that the Commission would consequently be barred from directing cellular providers to undertake outreach to benefit low income customers. Verizon further argues that in any event, the legislature has not established a state universal service fund, a condition precedent to universal service implementation, and therefore the Commission has no authority to implement RSA 374:22-p.

Verizon states that the Commission should issue an affirmative statement that it lacks jurisdiction to make a designation of ETC status and permit RCC to apply to the FCC for such designation. In the alternative, Verizon requests that if the Commission concludes it has jurisdiction to designate RCC as an ETC, the Commission should defer taking further action until the FCC resolves ETC eligibility and USF issues that are currently pending before the FCC. *Verizon Memorandum, pp.7-8.*

E. OCA

Like Verizon, the OCA argues that the Commission does not have jurisdiction over RCC's petition requesting designation as an ETC because RCC is a cellular provider, which RSA 362:6 specifically excludes from Commission jurisdiction. The OCA also argues that while RSA 374:22-p, the state's universal service fund program, includes cellular providers, RSA 374:22-p does not eliminate the exclusion created in RSA 362:6.

OCA notes 47 U.S.C. § 214(e)(6), which provides that if a state commission does not have jurisdiction over a carrier applying for ETC designation, the FCC is the regulatory agency with authority to make such designation for that carrier. OCA states in this case the Commission has no jurisdiction over cellular carriers and the petition by RCC should properly be brought to the FCC.

F. Staff

Staff argues that the Commission has jurisdiction in this matter. Staff concurs with the arguments of RCC. Specifically, Staff agrees that RSA 362:6 prohibits the Commission from regulating the services of a cellular provider. However, in this case, Staff points out that RCC requested designation as an ETC on its own volition and submitted a petition to this Commission as contemplated by the federal. 47 U.S.C. § 214(e)(2). In Staff's view, state commissions could

designate an entity not regulated by the Commission as an ETC, and such designation of ETC status does not constitute a regulation of service.

Staff states that the legislature, in enacting RSA 374:22-p, the state USF program, clearly contemplated that a cellular provider would be eligible for designation as a state USF provider. Staff points out that RSA 374:22-p IV(c) defines "providers of intrastate telephone services" to include CMRS providers, thus requiring cellular providers to contribute to the state USF. RSA 374:22-p IV(a). RSA 374:22-p IV(a) and 374:22-p IV(b) (3) also require the Commission to implement the state USF in a manner "consistent with the goals of applicable provisions of this title and the Federal Telecommunications Act." *Id.* Staff notes that under the federal law, cellular providers pay into the USF and are eligible for designation as an ETC. Staff argues that for the state program to operate consistently with the federal program, the legislature contemplated that cellular providers, which would be paying into the state USF, would be eligible for designation as an ETC under the state USF program. Staff argues that in both cases, the Commission should be the regulatory authority to make such designation.

Staff points out that RCC petitioned the Commission in the first instance because it was willing to submit to the Commission's jurisdiction for the purpose of being designated as

that we do not have such authority over RCC's petition for ETC designation.

The New Hampshire Supreme Court has held that "[t]he PUC is a creation of the legislature and as such is endowed with only the powers and authority which are expressly granted or fairly implied by statute." *Appeal of Public Service Company of New Hampshire*, 122 NH 1062, 1066 (1982). Consequently, the Commission must look to its statutory authority to determine whether it has jurisdiction over cellular providers. RSA 362:6 expressly states that it does not. A cellular provider is not a public utility, and its "services shall not be subject to the jurisdiction of the public utilities commission pursuant to this title." RSA 362:6. We therefore must conclude that the Commission does not have jurisdiction over any cellular carrier because the New Hampshire legislature specifically removed cellular carriers from the jurisdiction of this Commission.

RCC, the ITCs and UTC argue that, notwithstanding RSA 362:6, federal law authorizes the Commission to designate any provider of telecommunications service as an ETC as long as such provider meets the requirements of the law. 47 U.S.C. § 214(e)(6). They argue that while the Commission cannot regulate the services of a cellular provider, it is not prohibited from designating a cellular provider as an ETC. We disagree. Designation is posed as not constituting regulation but, in fact,

designation is the equivalent of one of the traditional forms of regulation, that is, regulation over entry. By accepting RCC's petition, the Commission would be asserting jurisdiction over RCC, albeit in a limited capacity, which is prohibited by RSA 362:6.

RCC argues that the Commission should look beyond the narrow reading of RSA 362:6 and focus on its interplay with other New Hampshire laws. RCC states that the legislature, in enacting the state USF law, provided some authority to the Commission over cellular providers. RSA 374:22-p, IV(c). RCC asserts that the inclusion of cellular carriers in the category of eligible state USF providers, the requirement that such carriers contribute to any established state USF and the requirement that any state USF program be consistent with the Telecommunications Act should lead the Commission to conclude that the legislature intended to give it "some authority" over cellular providers.

We do not accept this argument. RSA 374:22-p, II recognizes the limitations on the Commission by RSA 362:6 by providing that "[s]ubject to RSA 362:6" the Commission shall require providers of instate telephone services to participate in certain outreach programs. Had the legislature decided to remove the limitation on the Commission's jurisdiction when it enacted RSA 374:22-p in 2001, it could have done so. Instead, the legislature explicitly acknowledged that the Commission had no

jurisdiction over cellular providers. For that reason, RCC's claim that the legislature intended to give the Commission jurisdiction over cellular providers by requiring a state USF program to be consistent with the Telecommunications Act (where cellular providers can be designated as USF providers) is not persuasive.

The ITCs argue that the Commission has implied jurisdiction over cellular providers such as RCC, citing *Appeal of PSNH*, 130 NH 285, 291 (1988). In that case, the disputed issue was whether the Commission had jurisdiction to grant long term rates for the purchase by PSNH of power from small power producers. As noted by the New Hampshire Supreme Court, however, the facts demonstrated "a rare instance of State and federal legislative coincidence" where both the Federal and State legislatures "enacted provisions to diversify electrical power production through the encouragement of small power producers and cogenerators." *Id* at 287.

The Commission finds no "legislative coincidence" between the RSA 362:6 and the provisions of Telecommunications Act (47 U.S.C. § 214(e)(2)). In fact, Congress contemplated that a carrier not subject to the jurisdiction of a state commission could be eligible for designation as an ETC. In 1997, it amended the Telecommunication Act to provide that, in such a case, it is

the FCC, not the state commission, that would have jurisdiction over such designation. 47 U.S.C. 214(e)(6)¹

The ITCs also argue that the Commission should take jurisdiction because RCC has petitioned to redefine the rural service area of GST, a public utility subject to the Commission's jurisdiction. The ITCs point out that the Commission would have to respond to the request to redefine GST's service area pursuant to FCC rules (47 C.F.R. §54.207). The ITCs argue that if this petition goes to the FCC, the FCC will still have to seek the agreement of the state to redefine GST's service area. They state that since redefinition of the service area is dependent on the designation of RCC as an ETC, the Commission could take jurisdiction of the designation as ancillary to the take of service area redefinition.

We share the ITCs' concern about the petitioned redefinition of GST's service area. However, should RCC petition the FCC for designation as an ETC, the Commission will still have an opportunity to determine whether the redefinition of GST's service area is in the public interest. See 47 C.F.R. § 54.207(d)(2). Consequently, even if it were possible to take

¹ As pointed out by Verizon in its memorandum of law, RCC had petitioned the FCC for designation as an ETC after the Alabama Public Service Commission had determined it had no jurisdiction over RCC. See *in the Matter of Federal State Joint Board on Universal Service; RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout its Licensed Service Area in the State of Alabama*, Memorandum and Order, CC Docket No. 96-45, 17 FCC Rcd 23532, 2002 (November 27, 2002).

jurisdiction that does not exist, we do not have to do so to assure that redefinition of GST's service area is consistent with the public interest.

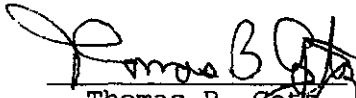
While we agree with those parties who believe that the Commission is in a better position than the FCC to determine the eligibility and designation of cellular providers as ETCs in New Hampshire, it is the state legislature, not this Commission, which must take steps to authorize those determinations through an amendment to RSA 362:6.

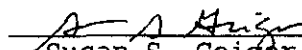
Based upon the foregoing, it is hereby

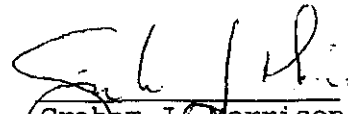
ORDERED, that the Commission, based on RSA 362:6, has no jurisdiction over RCC's petition to be designated as an ETC in the State of New Hampshire, and it is

FURTHER ORDERED, that this Order shall constitute an affirmative statement that this Commission lacks jurisdiction to designate RCC as an ETC in the State of New Hampshire.

By order of the Public Utilities Commission of New
Hampshire this fifth day of December, 2003.


Thomas B. Getz
Chairman


Susan S. Geiger
Commissioner


Graham J. Morrison
Commissioner

Attested by:

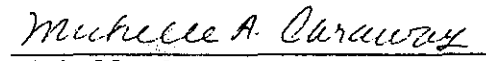

Michelle A. Caraway
Assistant Executive Director

Exhibit I
Granite State Tel. Co.
Population Density by Wire Center
(wire centers within proposed ETC service area shown in bold)

DOMSWITCH	CITY	POP	POP DENSITY
CHESNHXADS0	CHESTER	8632	235.45
HUVGNHXADS0	HILLSBORO UPPER VILL	2016	55.40
WASHNHXADS0	WASHINGTON	916	20.22
WEARNHXADS0	WEARE	8863	115.81

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF NEW HAMPSHIRE was sent via U.S. Mail to the following persons on this 9th day of April 2004.

General Manager
Verizon New England
900 Elm Street, Suite 1923
Manchester, New Hampshire 03101

Karen Wante
Administrator
Bretton Woods Telephone Company
171 Mount Washington Hotel Road
Bretton Woods, New Hampshire 03575

Hobart G. Rand
Granite State Telephone Company
600 South Stark Highway
P.O. Box 87
Weare, New Hampshire 03281

Peter Montgomery
President
Dunbarton Telephone Company
2 Stark Highway South
Dunbarton, New Hampshire 03045

Stuart S. Draper
President/General Manager
Wilton Telephone Company
P.O. Box 519
Wilton, New Hampshire 03086

Stuart Draper
President/General Manager
Hollis Telephone Company
P.O. Box 419
Wilton, New Hampshire 03086

General Manager
Kearsage Telephone Company
173 Main Street
New London, New Hampshire 03257

Paul E. Violette, President
Merrimack County Telephone
3 Kearsage Avenue
Contoocook, New Hampshire 03229

Steven W. Davis
President and General Manager
Northland Telephone Company
P.O. Box 689
Standish, Maine 04084

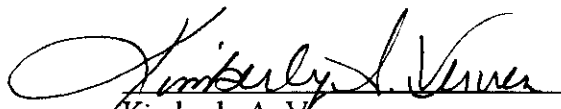
Richard P. Thayer
President and General Manager
Union Telephone Company
13 Central Street
Farmington, New Hampshire 03835

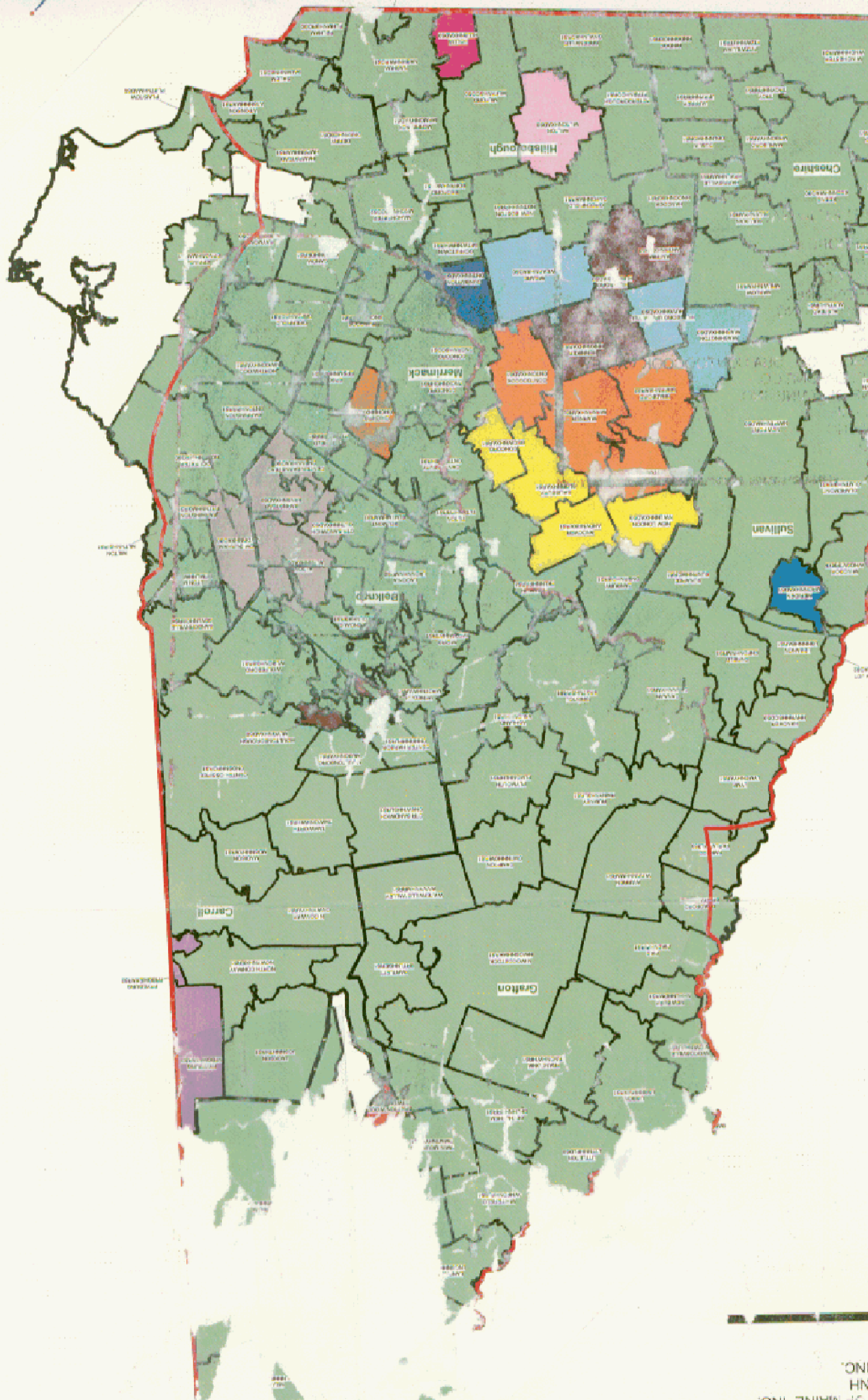
Erick Einhorn, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C360
Washington, D.C. 20554

Anita Cheng, Assistant Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A445
Washington, D.C. 20554

Thomas Buckley
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-C222
Washington, D.C. 20554

Shannon Lipp
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C406
Washington, D.C. 20554


Kimberly A. Verven



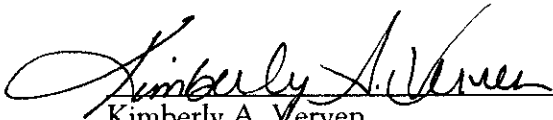
Thomas Buckley
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-C222
Washington, D.C. 20554

Shannon Lipp
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C406
Washington, D.C. 20554

Cara Voth
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A640
Washington, D.C. 20554

Romanda Williams
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A321
Washington, D.C. 20554

Tom McCabe
107 W. Franklin Street
P.O. Box 189
Quincy, Florida 32351


Kimberly A. Verven